

REMARKS

In the Office Action dated February 24, 2004, the Examiner has made the restriction requirement final. Therefore, Claims 1-10, 12 and 14 have been withdrawn from consideration. Claims 11, 13 and 15 are under consideration on the merits. Applicant reserves the right to file one or more divisional applications directed to the non-elected subject matter in Claims 1-10, 12 and 14. Claim 15 has been objected to for depending on a non-elected claim. Claims 11, 13, and 15 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Claims 11, 13 and 15 have been further rejected under 35 U.S.C. 102(a) as allegedly anticipated by Thiam et al. (FEBS Letter 459, 1999, pp. 285-90).

This Response addresses each of the Examiner's objections and rejections. Applicant therefore respectfully submits that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Claim 15 has been objected to for depending on a non-elected claim. Applicant has amended Claim 15 to depend on Claim 11. Accordingly, the objection of Claim 15 is obviated and withdrawal thereof is respectfully requested.

Claims 11, 13, and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner alleges that Claims 11, 13 and 15 are incomplete for omitting essential steps. The Examiner suggests that the claims should end with a recitation "to said animal."

Applicant has amended Claim 11 in accordance with the Examiner's suggestion. Applicant has also amended Claims 13 and 15 to depend on Claim 11. Accordingly, Claims 11, 13 and 15, as amended, are clear and complete. Therefore, the rejection of Claims 11, 13 and 15


under 35 U.S.C. § 112, second paragraph, is overcome and withdrawal thereof is respectfully requested.

Claims 11, 13 and 15 have been rejected under 35 U.S.C. 102(a) as allegedly anticipated by Thiam et al. (FEBS Letter 459, 1999, pp. 285-90). Specifically, the Examiner states that Thiam et al. teach a method of administering palmitoylated modified PKC- ζ pseudosubstrate lipopeptides to HL60 human cells. The Examiner states that Thiam et al. teach administration of the peptide in a concentration of 10 μ M, which is allegedly a therapeutically effective amount as claimed by the present invention. The Examiner contends that the palmitoylated peptide is a subgenus of the myristoylated peptide of Claim 13. The Examiner states that the preamble (of Claim 13) is not referred to in the method step and thus is not part of the claim limitation.

Applicant observes that Thiam et al. merely teach that the differentiation distribution of palmitoylated modified PKC- ζ pseudosubstrate lipopeptides is possibly correlated with a selective induction of apoptosis. Nowhere do Thiam et al. teach a method of causing amnesia or decreasing synaptic transmission by administering a therapeutically effective amount of a PKM- ζ inhibitor. Claim 13, as amended, depends on Claim 11. Accordingly, Claims 11, 13 and 15 are not anticipated by Thiam et al. The rejection of Claims 11, 13 and 15 35 U.S.C. 102(a) is overcome and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PIB/ZY:ab